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IN THE U.S. PATENT AND TRADEMARK OFFICE

Appn. No.: 09/735,408
Applicant: Ronald K Yamamoto
Filing Date: December 11, 2000
Title: TREATMENT OF OCULAR DISEASE

TC/A.U.: 3763
Examiner: Jeremy Thissell

Docket No.: 336-9901U

Mailed: July 14, 2004
at Sunnyvale, CA

PROVISIONAL ELECTION

Commissioner of Patents
PO Box 1450
Arlington, VA 22313-1450

Sir:

In response to the Office Action mailed June 29, 2004, please amend the above-identified application as follows:

Provisional Election: begins on page 2 of this paper.

Amendments to the Specification: None.

Amendments to the Claims: None.

Amendments to the Drawings: None.

Remarks/Conclusion: begin of page 3 of this paper.

Provisional Election:

Applicant is uncertain what information was omitted from the original response filed August 21, 2003 and the supplemental response filed February 2, 2004. However, below is a complete election statement complying with the requirements of 37 CFR 1.111.

Applicant provisionally elects with traverse the following invention:

Invention I: Claims 1-49, drawn to an apparatus for treating ocular disease.

Applicant further provisionally elects with traverse the following species:

Group 1, Species A: Ultrasound imaging locating means

Group 2, Species A: Viscoelastic substance delivered

Group 3, Species B: Flexible outer sheath

Group 4, Species B: Expandable tip member

Group 5, Species A: Stent implant

Group 6, Species A: Cutting tool construct

This species election includes claims 1-4, 6-8, 10, 18-29, 31-34, 37-39, 42, 45, 46, 50, 51, 53, 59 and 60.

Therefore, based on the Examiner's current restriction, claims 1-4, 6-8, 10, 18-29, 31-34, 37-39, 42, 45 and 46 should currently be under consideration. Claims 5, 9, 11-17, 30, 35, 36, 40, 41, 43, 44 and 47-63 should be withdrawn from consideration.

Applicant reserves the right to resubmit the non-elected claims if a generic claim is allowed. Currently, many of the claims, including all of the independent claims 1, 20, 32, 38, 45 and 50 are generic to a plurality of the species.